

Exhibit No. 4Date 2-18-2013Bill No. SB 273

Dustin Monroe/ Executive Director Western Native Voice

Chairman and committee members,

I rise in support of Senate Bill 273, "**AN ACT REVISING MONTANA'S ANTIQUITIES LAWS; PROVIDING A DEFINITION OF "TRIBAL TRADITIONAL CULTURAL PROPERTY"; REQUIRING STATE AGENCIES TO CONSULT WITH INDIAN TRIBES ABOUT ACTIONS POTENTIALLY AFFECTING TRIBAL TRADITIONAL CULTURAL PROPERTY**"

Why is this issue so important, because it has been violated in our state numerous times and one such violation happened this year at the Sarpy Creek Bison Kill Site on the Crow Reservation. A coalmine expansion will consume the site as well as all the ancient campsites and processing areas around it.

The **Native American Graves Protection and Repatriation Act (NAGPRA)**, Pub. L. 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048, is a United States federal law enacted on 16 November 1990.

The Act requires federal agencies and institutions that receive federal funding[1] to return Native American "cultural items" to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations.

Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony. A program of federal grants assists in the repatriation process and the Secretary of the Interior may assess civil penalties on museums that fail to comply.

NAGPRA also establishes procedures for the inadvertent discovery or planned excavation of Native American cultural items on federal or tribal lands.

Lastly, NAGPRA makes it a criminal offense to traffic in Native American human remains without right of possession or in Native American cultural items obtained in violation of the Act.

Violations the state could be held liable for;

- ✓ **1<sup>st</sup> amendment that protects Religious beliefs and practices**
- ✓ **Treat rights and sovereign jurisdiction of the tribe**
- ✓ **Tribal and State relationships**

**I ask this Committee to vote yes on the passage Senate Bill 273**